



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P(MD)Nos.14274, 14275, 14276, 14277, 14278, 14279, 14280, 14281
and 14282 of 2018

and

W.M.P(MD)Nos.12935, 12936, 12937, 12938, 12939, 12940, 12941, 12942
& 12943 of 2018

K.NAGARAJAN	... Petitioner in WP(MD).No.14274/2018
K.DHARMARAJAN	... Petitioner in WP(MD).No.14275/2018
R.HARIRAM @ HARIRAMA PALANI	... Petitioner in WP(MD).No.14276/2018
T.AMARAVATHI	... Petitioner in WP(MD).No.14277/2018
D.VALLI	... Petitioner in WP(MD).No.14278/2018
M.NEELAMEGASAMY	... Petitioner in WP(MD).No.14279/2018
G.PANJAVARNAM	... Petitioner in WP(MD).No.14280/2018
M.MURUGANANDHAM	... Petitioner in WP(MD).No.14281/2018
S.CHANDRASEKARAN	... Petitioner in WP(MD).No.14282/2018

Vs.

1. The District Collector,
District Collector's Office,
Ramnad,
Ramnad District.

2. The Tahsildar,
Taluk Office,
Ramnad,
Ramnad District.

... Respondents in All cases

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the first respondent proceedings made in Na.Ka.B3/17662/2017, dated 07.06.2018 and quash the same and further direct the first respondent to dispose the petitioner's main appeal, dated 23.05.2018 as per the direction of this Court on 16.05.2018 in W.P(MD)Nos.11048 to 11057 of 2018.

Prayer in WP(MD).No.11048/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the record relating to 2nd respondent proceedings made in Na.Ka.B9 / 148 / 2017 circulated dated 04/05/2018 as well as consequential order date 05/05/2018 made in Na.Ka.B9 / 148 / 2017 Notice under Section 6 of Land Encroachment Act, 1905, quash the same, and further direct the 2nd respondent to consider the petitioners explanation dated 04/11/2017.

Prayer in WP(MD).Nos.11049, 11050 and 11055 of 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records relating to 2nd respondent proceedings made in Na.Ka.B9/148 /2017 circulated dated 04/05/2018 as well as consequential order dated 05/05/2018 made in Na.Ka.B9 / 148 / 2017 Notice under Section 6 of Land Encroachment Act, 1905, quash the same, and further direct the 2nd respondent to consider the petitioners explanation dated 06/11/2017.

Prayer in WP(MD). 11051 to 11054, 11056 and 11057 of 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records relating to 2nd respondent proceedings made in Na.Ka.B9 / 148 / 2017 circulated dated 04/05/2018 as well as consequential order dated 05/05/2018 made in Na.Ka.B9 / 148 / 2017 Notice under Section 6 of Land Encroachment Act, 1905, quash the same, and further direct the 2nd respondent to consider the petitioners explanation dated 04/11/2017.

For Petitioner	: Mr.R.Sundar (in All Cases)
For Respondents	: Mr.A.K.Baskara Pandian, Special Government Pleader (in WP(MD).Nos.14274,14276, 14277 & 14281/2018) Mr.M.Jeya Kumar, Additional Government Pleader (in WP(MD).Nos.14275 and 14282/2018) Mr.R.Murugan, Government Advocate (in WP(MD).Nos.14278 to 14280/2018)

**COMMON ORDER**

(Common Order of the Court was made by **M.DURAISWAMY, J.**)

The issue involved in all these Writ Petitions are identical. Hence, the Writ Petitions are disposed of by this common order.

2.The petitioners have filed the above writ petitions to issue Writs of Certiorari and Mandamus, to call for the records relating to the first respondent's proceedings, dated 07.06.2018 and to quash the same and further direct the first respondent to dispose of the petitioners' main appeals, dated 23.05.2018 as per the direction of this Court, dated 16.05.2018 made in W.P(MD)Nos.11048 to 11057 of 2018.

3.It is the case of the petitioners that they are in possession and enjoyment of the property situated in Ramnad District, Ramnad Taluk, Ward D, Block 4, survey numbers concerned for the past several decades and constructed houses thereon, after spending huge money. One Jeganathan filed a Writ Petition in W.P(MD)No.6589 of 2017 and he sought for a direction to remove the alleged encroachment and this Court by order, dated 14.07.2017, directed the second respondent to consider his application and pass orders on merits. Thereafter, the second respondent issued a notice under Section 7 of the Madras Land Encroachment Act, 1905, to the petitioners, for which, the petitioners gave their explanation. However, the second respondent had passed final orders without considering the objections filed by the petitioners. The petitioners' neighbours filed Writ Petitions in W.P(MD)Nos.11048 to 11057 of 2018 before this Court and this Court by order, dated 16.05.2018 directed the petitioners to file an appeal before the first respondent under Section 10 of the Tamil Nadu Land Encroachment Act. This Court also gave liberty to the petitioners to file stay petitions under Section 10(B) of the Tamil Nadu Land Encroachment Act and also directed the first respondent to dispose of the stay applications on or before 08.06.2018 and the appeals on or before 25.08.2018. According to the petitioners, they have filed the appeals and also the stay applications before this Court. The first respondent by its order, dated 07.06.2018, dismissed the stay petitions. Aggrieved over the same, the petitioners have filed the above Writ Petitions.

4.The learned counsel appearing for the petitioners submitted that the appeals filed by the petitioners before the first respondent are pending and that the Division Bench of this Court had



already given a direction to the first respondent to dispose of the appeals on or before 25.08.2018.

5. Admittedly, the petitioners are in possession and enjoyment of the property. However, their status can be decided only in the appeals which are pending before the first respondent.

6. Mr. A.K. Baskara Pandian, learned Special Government Pleader taking notice for the respondents submitted that the first respondent may be directed to dispose of the appeals, as directed by the Division Bench of this Court in W.P(MD)Nos.11048 to 11057 of 2018 and till such time, the respondents may be directed to maintain status quo.

7. In view of the submissions made by the learned counsel on either side and also considering the order passed by the Division Bench of this Court in W.P(MD)Nos.11048 to 11057 of 2018, we also reiterate the observation made by the Division Bench of this Court, directing the first respondent to dispose of the appeals filed by the petitioners on or before 25.08.2018. Since the petitioners are in possession and enjoyment of the properties, if they are dispossessed at this stage, the appeals filed by them would become infructuous. In view of the same, we direct the respondents to maintain status quo till 25.08.2018.

8. With these observations, the Writ Petitions are disposed of. It is needless to say that the first respondent should decide the appeals filed by the petitioners on merits and in accordance with law, after giving due opportunity of personal hearing to them within the stipulated time. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

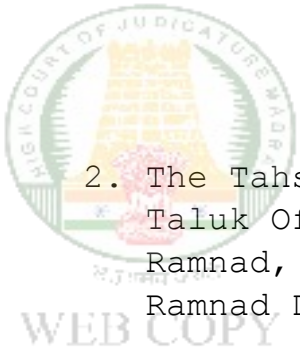
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
District Collector's Office,
Ramnad,
Ramnad District.



2. The Tahsildar,
Taluk Office,
Ramnad,
Ramnad District.

+1 CC to Mr.R.SUNDAR, Advocate in SR.No.71421
+1 CC to the Special Government Pleader, SR.NoS.71296
TO 71301, 71508, 71513 AND 71514/2018

PS

RJ/RSK/SAR-2/16/07/2018 - 5P/5C

W.P(MD) Nos.14274, 14275, 14276,
14277, 14278, 14279,
14280, 14281 and 14282 of 2018
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